

*The Honorable Rosanna Malouf Peterson*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

ROBERT W. WILSON and SONIA	)	
SILVA WILSON, husband and wife,	)	
	)	
Plaintiff,	)	NO. CV-11-5130-RMP
	)	
vs.	)	<b>AMENDED COMPLAINT</b>
	)	
BATTELLE MEMORIAL INSTITUTE,	)	
dba PACIFIC NORTHWEST NATIONAL	)	
LABORATORY,	)	
	)	
Defendant.	)	

COME NOW the Plaintiffs above named, and hereby amends prior complaint as follows:

**STATEMENT OF FACTS**

I. The defendant is an Ohio corporation, conducting business in Benton County, Washington. This lawsuit arises out of an employment relationship

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1 between plaintiff and defendant, centered in Benton County, Washington.

2 II. Plaintiff ROBERT W. WILSON is a former employee of the defendant.

3  
4 III. On July 15, 2011, defendant terminated the plaintiff from employment  
5 based upon his age. Defendant has additionally undertaken policies to  
6 discriminate against older employees. Plaintiff was 61 years old on July 15,  
7 2011.  
8

9 IV. Defendant's Senior Management has issued a series of directives to gain  
10 efficiencies in the company by "doing more with less". This has included  
11 reducing the work force. In response to these directives, the line  
12 management has instituting a pattern of discharging older employees from  
13 service.  
14

15  
16 V. Michael Stephenson, Division Manager, and Eric Damberg, began a series  
17 of unsubstantiated disciplinary actions in order to conceal their intention to  
18 terminate plaintiff because of age. These actions were formerly protested to  
19 their manager Cameron Anderson as discriminatory against plaintiff  
20 because of his age, and the request was made that they cease their  
21 discriminatory practices. Instead, plaintiff was fired.  
22  
23

24  
25 VI. Michael Stephenson and Eric Damberg repeatedly cited poor performance  
26 as their reason for disciplinary action. However, during that time, plaintiff  
27 received Outstanding Performance Awards for his service and numerous  
28

1 commendations for his work from peers and colleagues. Plaintiff also  
2 received excellent performance reviews since being hired by defendant,  
3 until Michael Stephenson was recruited by Eric Damberg to act as  
4 immediate supervisor. From that point forward, he began to receive  
5 unsubstantiated disciplinary action even though the work was the same for  
6 which he was hired.  
7

8  
9 VII. Other persons in the same or similar situation who were treated better were,  
10 Matthew Barnett, Principal Professional Engineer for Radioactive Air  
11 Emissions, Thomas Moon, Principal Engineer for Water Quality, John  
12 Akers, Project Professional & Engineer, Environmental Compliance  
13 Representative.  
14

15  
16 VIII. Persons treated the same as Plaintiff include Alice Ikenberry, former  
17 Environmental Division Manager, a white woman, age 55, was terminated  
18 in the same manner that the Plaintiff was terminated. She was also  
19 subjected to the same prolonged disciplinary actions used as a pretext for  
20 terminating her because of her age.  
21

22  
23 IX. The defendant has a policy of terminating older employees under the guise  
24 of applying “new energy”. The company has a pattern of age-related  
25 discriminations.  
26

27  
28 X. Robert W. Wilson and Sonia Silva Wilson are husband and wife, and the

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1 damages above asserted have been incurred by the marital community  
2 consisting of Robert W. Wilson and Sonia Silva Wilson.  
3

4 WHEREFORE, plaintiff prays for the following relief:

- 5 1. For judgment against the defendant in an amount to be determined at trial.  
6  
7 2. For reasonable attorney's fees and costs as provided by law, and in  
8 particular, by RCW948030 and RCW Chapter 49.60;  
9  
10 3. For such other relief as to the court may seem necessary and proper.

11 DATED this 8<sup>th</sup> day of September, 2011.  
12

13 LEAVY, SCHULTZ, DAVIS & FEARING, P.S.

14 By: s\John G. Schultz

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of September, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

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